

REMARKS

In response to the above-identified Office Action, Applicants amend the application and seek reconsideration thereof. In this response, Applicants amend claims 1, 17, 18 and 21. Applicants respectfully request entry of these amendments. Applicants do not cancel or add any new claims. Accordingly, claims 1, 16-18, 20 and 21 are pending.

I. Claims Rejected Under 35 U.S.C. § 112, first paragraph

Claims 17 and 21 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts these claims include subject matter which is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor at the time the application was filed had possession of the claimed invention. Specifically, the Examiner objects to the presence of tantalum nitride and molybdenum nitride in claim 17 and tantalum and molybdenum silicide in claim 21. These claims have been amended to remove these materials. Thus, Applicants believe that the claims as amended comply with 35 U.S.C. § 112, first paragraph. Accordingly, reconsideration and withdrawal of the written description requirement of claims 17 and 21 are requested.

II. Claims Rejected Under 35 U.S.C. § 102(e)

Claims 1 and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,180,519 issued to Kuroi, et al (hereinafter "Kuroi").

To anticipate a claim, the Examiner must show that the cited reference teaches each of the elements of that claim. In regard to claims 1 and 18, these claims, as amended, include the elements of a first transistor having first gate electrode "comprising a first metal layer in direct contact with a first gate dielectric." Applicants reviewed the cited sections of Kuroi and have been unable to discern and the Examiner has not indicated any part therein that teaches a first metal layer in direct contact with the first gate dielectric. Rather, Kuroi teaches in Figure 9 and col. 15, lines 55-col. 16, lines 39 formation of a titanium silicide film 41 directly over either an N-type polycrystalline silicon film 29 or a P-type polycrystalline silicon film 31. Thus, Kuroi does not

teach a metal layer in direct contact with a gate dielectric. Therefore, Kuroi does not teach each of the elements of independent claims 1 and 18. Accordingly, reconsideration and withdrawal of the anticipation rejection of claims 1 and 18 are requested.

III. Claims Rejected Under 35 U.S.C. § 103

Claims 16, 17, 20 and 21 stand rejected under 35 U.S.C. § 103(a) as being obvious over Kuroi.

In order to establish a *prima facie* case of obviousness, the Examiner must show that the cited references, combined, teach or suggest each of the elements of the claim. In regard to claims 16, 17, 20 and 21, these claims depend from independent claims 1 and 18 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to independent claims 1 and 18, Kuroi does not teach or suggest each of the elements of these claims. Namely, the claims do not teach a first metal gate electrode comprising a first metal layer in direct contact with a first gate dielectric. Thus, Kuroi does not teach or suggest each of the elements of claims 16, 17, 20 and 21. Accordingly, reconsideration and withdrawal of the obviousness rejection of these claims are requested.

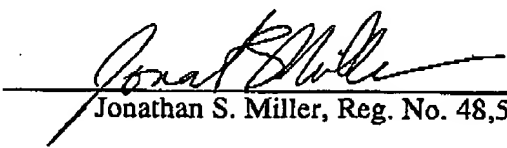
CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1 and 16-18, 20 and 21 patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

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I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on July 7, 2004.


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